

**CONSERVATION  
COMMISSION**  
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Rehoboth, MA 02769  
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Robert Materne, Chairman  
David Evans, Vice Chair  
Thomas Nicholson  
Krisna Prachanronarong  
Stephen Choquette  
Matthew Habershaw  
Matt Kershaw  
William Morgan, Assoc. Mbr  
Daniel Roach, Agent

**REHOBOTH CONSERVATION COMMISSION**  
**Meeting Minutes – August 9, 2022**

**Present:** Robert Materne, Chairman, Krisna Prachanronarong, Thomas Nicholson, Stephen Choquette, Matt Habershaw, Matt Kershaw, Associate Member William Morgan, Daniel Roach Conservation Agent.

**Absent:** Dave Evans.

**CALL TO ORDER**

Mr. Materne called the meeting to order at 7:00 PM.

**Appeal Process**

Mr. Materne explained the appeal process.

**Public Hearing and Meetings**

1. Babbitt – 111 Summer Street – ANRAD – SE60-1292

Mr. Nyles Zager of Zenith Consulting Engineers was present.

Mr. Materne stated that the commission visited the site. Both the BVW & the mean annual water line are accurate.

Mr. Materne asked the commission if there were any questions or concerns, there were none.

Mr. Materne asked the audience if there were any questions or concerns, there were none.

Mr. Nicholson made a motion to close the public hearing.

Mr. Habershaw seconded the motion. Motion passes.

Mr. Nicholson made a motion to issue Orders of Resource Area Delineation.

Mr. Habershaw seconded the motion. Motion passes.

2. Babbitt – 111 Summer Street – NOI – SE60-1290

Mr. Nyles Zager of Zenith Consulting Engineers was present.

Mr. Zager presented plans.

Mr. Materne asked if the well could be moved off the steep slope.

Mr. Zager stated that he would look into it again. It is in the same location it was on the last filing, that had expired.

Mr. Materne stated that the commission had been out to the site and the erosion controls are so narrow that the truck wouldn't be able to get by them. You will need to have a slurry pit for the well. We requested a fence at the last meeting, it is not on your plan. This needs to be added.

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Mr. Zager stated he wanted to address all of the commissions concerns before he revised the plans. We also have not discussed the location you would want the fence.

Mr. Materne stated that the fence would go along the erosion controls. We also want Riparian zone signs on the plan. Asked them to provide a construction narrative as to how the foundation footprint will be built.

Mr. Zager replied ok.

Mr. Materne asked the commission if there were any questions or concerns, there were none.

Brian Kirkwood of 115 Summer Street was present.

Mr. Kirkwood asked in the future if the septic system fails where would an alternative one be built?

Mr. Materne stated they have a reserve on their plans and the Board of Health has approved this.

Mr. Materne explained what was needed on the revised plans. We can close the hearing and you would not receive an Authorization to Proceed until the revised plans are submitted.

Mr. Nicholson made a motion to close the public hearing.

Mr. Choquette seconded the motion. Motion passes.

Mr. Nicholson made a motion to issue Order of Conditions.

Mr. Choquette seconded the motion. Motion passes.

### 3. Ishaq – 54 Cameron Way – ANRAD – SE60XXXX

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated that the BVW line is accurate. The Mean Annual High-Water Line is pretty far off. Between Flags 5 & 8 it moved 7' within A19 and then connected back. Then starting at A12 it stayed close to the BVW line. When it hit A9 it jumped across to about 15', it skirted the tongue. By A3 it moved by about 20'. The is based on histosols. The top of the stream to the top of the floodplain is about 4-6". Once we have the spring flood it will be high above that mark. There was no true bank along the river. We also based this on lack of leaves, which means it was being flooded. Also, the floodplain shape. The location of the bank was discussed further with the engineer.

Mr. Andrade requested a continuance until August 23, 2022.

Mr. Nicholson made a motion to grant a continuance until August 23, 2022.

Mr. Prachanronarong seconded the motion. Motion passes.

### 4. Ishaq – 54 Cameron Way – NOI – SE60-1294

Mr. Chris Andrade of Insite Engineering was present.

Mr. Materne asked the audience if there were questions or concerns, there were none.

Mr. Andrade requested a continuance until August 23, 2022.

Mr. Nicholson made a motion to grant the continuance until August 23, 2022.

Mr. Habershaw seconded the motion. Motion passes.

### 5. Bliss – 147 Agricultural Ave. – NOI – SE60-1293

Mr. Scott Rolfe of OHI Engineering was present.

Mr. Rolfe presented plans.

Mr. Materne asked when the property had been flagged?

Mr. Rolfe stated he couldn't recall.

Mr. Materne stated he did a traverse of the property and couldn't find any flags.

Mr. Roach stated it had been flagged in September of 2021.

Mr. Materne stated that the flags will need to be rehung. The commission needs to know that the wetland line is accurate.

Mr. Rolfe requested a continuance until August 23, 2022.

Mr. Nicholson made a motion to grant a continuance until August 23, 2022.

Mr. Habershaw seconded the motion. Motion passes.

6. 29 Maple Ln., LLC – 29 Maple Lane – RDA

Robert Catenacci of 29 Maple Lane was present.

Mr. Catenacci presented plans.

Mr. Materne stated that the wetland flags are accurate. There was some debris in the wetland that you promised to get rid of.

Mr. Catenacci stated the pipe that we found the pool has been removed. We are going to place additional silt fence by the foundation. He stated that he will get someone out to the property to clean up the debris in the wetlands.

Mr. Materne asked the commission if there were any questions or concerns, there were none.

Mr. Materne asked the audience for questions or concerns, there were none.

Mr. Nicholson made a motion to issue a Negative 3 Determination.

Mr. Prachanronarong seconded the motion. Motion passes.

## **General Business**

1. Ratification of Votes – 7/1/2022 – 7/29/2022

Mr. Materne stated that there are 2 meeting that votes need to be ratified for. Someone on the commission was not sworn in at the time of the votes.

- July 12, 2022
  - 72 Martin Street – Order of Resource Area Delineation
  - 116 Spring Street – Negative 3
  - 7 Hybrid Drive – Order of Conditions
  - 90 Reynolds Avenue – Order of Conditions
  - 29 Francis Street – Extension of Order of Conditions
  - Approval of July 6, 2021 Meeting Minutes

Mr. Nicholson made a motion to ratify the above-named motions from July 12, 2022.

Mr. Habershaw seconded the motion. Motion passes.

- July 26, 2022
  - 3 Clubhouse Way – Order of Conditions
  - Close Escrow Accounts
  - Behind 11 Linden Lane
  - 154 Barney Ave.
  - Camp Ramsbottom

Mr. Nicholson made a motion to ratify the above-named motion from July 26, 2022.

Mr. Choquette seconded the motion. Motion passes.

## **Concerns & Complaints**

1. 14 Katie Drive – Concern

Mr. Materne stated that the commission had been out to the property. Everything that the commission has asked to be taken care of has been done. This can be removed from concerns & complaints.

Mr. Nicholson made a motion to remove the above-named item from concerns & complaints.

Mr. Choquette seconded the motion. Motion passes.

Mr. Nicholson made a motion to have a 5-minute recess.

Mr. Choquette seconded the motion. Motion passes.

\*\*\*\*\* 5 Minutes recess was taken\*\*\*\*\*

Mr. Materne called the meeting back to order

## **General Business**

### **2. Joint Meeting with Board of selectmen, Board of Health, Water Commission, Agricultural Commission, Steve Howitt – Pray - Almeida Rd.**

Mr. Lenny Mills, Jr. of the Board of Selectmen was present.

Mr. Skip Vadnais of the Board of selectmen was present.

Mr. Rob Johnson of the Board of Selectmen was present.

Mr. Michael Deignan of the Board of Selectmen was present.

Representative Steve Howitt was present.

Ms. Rachel Smith of the Board of Health was present.

Mr. Skip Vadnais called the Board of Selectmen's meeting to order at 7:33pm.

Mr. Vadnais stated that this joint meeting is discuss the complexity of the issue with many of town government boards/committees have concerns and obligations. After speaking with Town Counsel, the Board of Selectmen will be acting as an umbrella over all of the boards/committees that have a stand in regards to this issue. Mr. Rob Johnson will be speaking for the Board of Selectmen tonight because most of the boards involved with this, he is the liaison to.

Mr. Johnson stated that tonight's meeting is to discuss the material that was brought into 46 Almeida Road. Unfortunately, the representative from the DEP couldn't attend tonight. They have not finished their investigation yet. When they do conclude it they will get back to us and we will have a meeting with them.

Rep. Howitt read an email from the DEP explaining that this is an active investigation and they cannot comment on future enforcement. A letter has been sent to Mr. Materne and the Seekonk Conservation Commission as well.

Mr. Materne spoke in regards to the fact that DEP was not responding to the commission's request for information and being brought up to speed on the investigation. He spoke in regards to the fact that the commission felt that if we had all the concerns parties involved speak as a unified voice that we may get a response from DEP. Spoke in regards to a video conference that he had with DEP.

Thais was discussed further.

Mr. Materne stated that DEP felt that the investigation would be completed by September 2022. When they have all the facts and can disclose them, they will come to a meeting and meet with everyone involved as well as the public. Well testing was discussed.

Mr. Materne stated that Ecosystem Solutions can no longer comment on this issue at a local level. All their comments must be given to DEP directly, per DEP.

Mr. Joe Nunes of the Water Commission was present.

Mr. Nunes gave an update on what had happened with the Water Commission's point since the last meeting.

Ms. Rachel Smith of the Board of Health was present.

Ms. Smith stated that the Board of Health's primary concern is people's drinking water. We encourage people to respond if they have been asked to have their wells tested. Asked for a list of the residents' homes that DEP is requesting to test the wells, she would speak to them personally. She discussed an article that was published in the "Rehoboth Reporter" and it showed a picture of Eddie Almeida's farm. She wanted to make it clear that Eddie Almeida had nothing to do with this situation.

This was discussed further.

Mr. Morgan stated that last year he volunteered to have his well-tested. No one came to his house; they sent him a kit in the mail and he mailed it back. Could we clarify with DEP whether someone would be coming to the homes to test the wells or not?

Ms. Smith stated that we can find that out.

Mr. Materne stated that the way DEP is talking, they would be coming to the homes.

Ms. Smith stated that would be her assumption as well.

Mr. David Andrade 151 Allen Ave., Seekonk, MA was present.

Mr. Andrade stated that he had received a phone call from DEP and they are looking to come onto the property to test the wells.

Ms. Tish Vadnais of the Agricultural Commission was present.

Ms. Vadnais spoke in regards to the last Agricultural Commission meeting and what had occurred at it.

The commission voted to not allow waste water or sludge be allowed in town.

It was discussed how this would be able to be accomplished.

Mr. Vadnais stated that this should be brought for consideration by the town.

Ms. Vadnais wanted to know why the material isn't being removed right away?

This was discussed further.

Mr. Materne stated that DEP stated they can not do anything until their investigation is complete.

This was discussed further.

Mr. William Costa, Sr. of the Planning Board was present.

Mr. Costa spoke in regards to the Ground Water Protection District in town. Also spoke in regards to a proposed by-law changes to the Ground Water Protection District.

Mr. Vadnais asked if this piece of property is located within the Ground Water Protection District?

Mr. Roach stated yes.

Mr. Vadnais stated that the Planning Board is the board charged with the Ground Water Protection District, the by-law has prohibited uses and uses that are prohibited. It appeared to him that the Planning Board has influence in this area that hasn't been exercised yet. The Board of Selectmen respectfully ask your board to look at the by-law and see how it applies to what is happening at this site. We would like a report.

Mr. Costa stated that the board would review the by-law and provide the Board of Selectmen with a report.

Mr. Deignan spoke in regards to the press release from DEP in 2022 that stated there were complaints from residence against Earth Source in Raynham. He asked if there would be a way to get a copy of those complaints and how they were resolved.

This was discussed further.

Mr. Johnson stated that is information that we need to get from DEP.

Mr. Materne stated he would call DEP.

Mr. Johnson asked if anyone from the audience had any questions or concerns?

Mr. Andrade of Seekonk was present, Board of Selectmen & lives across the street from the site in question.

Mr. Vadnais explained that with Seekonk being a sister community we would like to share information with them.

Mr. Andrade said thank you to Rehoboth. If it wasn't for Rehoboth the Town of Seekonk nor its residents would be aware of the situation. The Board of Selectmen need to take a vote as to whom in Seekonk will be our point person on this situation. He expressed his concerns with the material being left on site and not being removed as soon as possible.

This was discussed further.

Mr. Albert Bouchard of Wheaton Ave. was present.

Mr. Bouchard stated that someone had stated that the material was tested in Raynham and tested below the limit. What was the number of the PFAS test that they took at the site?

A handout with the test results from Raynham was provided.

Mr. Morgan explained that PFAS refers to a category of chemicals. There were numbers provided but they are out of contexts.

Mr. Bouchard stated he agreed with Mr. Andrade in regards to removal of the material.

This was discussed further.

Mr. Bouchard stated that he questions that only 300 trucks dumped material on this site.

Mr. Morgans stated that this number came from a resident who saw the trucks going up and down the road and counted them.

This was discussed further.

Mr. Vadnais spoke in regards to potential violations with other boards in town in order to consult Town Counsel to get the material moved sooner, per Mr. Deignan's suggestion.

Mr. Habershaw stated that this situation started because of the wetland violation and that isn't being discussed here tonight.

This was discussed further.

Mr. Bouchard stated that this is not only affecting our properties, our wells, it is affecting the farm nearby.

Mr. Johnson stated that we need to know all the violations from all the committees/boards.

Mr. Andrade spoke to Mr. Bouchard in regards to the testing question he had. Mr. Andrade stated that DEP is not giving any results of what has been done yet because the investigation is on going and they can't give that information until the investigation is complete. DEP was unaware of the fact that groundwater in that area is high. The high modeling mark is 2' below his basement.

Mr. Nunes spoke in regards to the analytical reports.

Ms. Smith stated she wanted everyone to know that this property is under an agricultural preservation restriction. The Department of Agricultural Resources is also involved in this. They stated to DEP that if anything is done it also has to go through their legal counsel.

Mr. Vadnais stated he would pursue that and call the Commissioner tomorrow.

Ms. Gabriela Salisbury 70 Anawan Street was present.

Ms. Salisbury stated that she has her farm water tested every year for organic certification as well as Board of Health regulations. What can we do encourage private water testing? This testing has come back rather quickly for us. This may reassure abutters while they are waiting for DEP's testing to come back.

Mr. Johnson stated we need the Board of Health or someone to make sure that the abutters do go through with the testing.

Mr. Habershaw asked if there was any way we could test the water in the open pond?

Mr. Nunes stated that the Water Commission has some data on that. They will look it up. If they don't have it, we'll look into having that water tested.

Mr. Nicholson stated that PFAS testing cost \$1400. Where is the money coming from to pay for this? This was discussed further.

Mr. Nunes stated we could narrow down the search to what we are looking for. We would have to go to the town and asked for the money.

Mr. Nicholson stated he would suggest getting a consultant that can present on this. That it can hold up in a court of law if necessary.

This was discussed further.

Mr. Deignan explained how funding could be made available and how to go about getting the funding that would be needed.

Mr. Nunes stated that he would schedule a meeting as soon as he could. In order to get this process started.

Ms. Jennifer Miller, Conservation Commission Agent, Town of Seekonk.

Ms. Miller made the recommendation that the abutters in Seekonk do water testing. Explained, through her experience, what the state is doing for testing. Spoke in regards to Mr. Brandon Faneuf, the wetland scientist involved with this property, in high regards, but he is not an LSP. Would recommend a consultant who deals with site containments.

Mr. Deignan stated that the town has a consultant that does deal with PFAS.

Mr. Vadnais brought up the fact that this sludge could be Covid contaminated. Is this sludge pre-covid?

Mr. Nicholson stated that the sludge was stabilized with lime, which disinfects it.

Mr. Jeff Sullivan, Swansea Water District was present.

Mr. Sullivan stated that his concern would be that Swansea's raw water facility had not been tested. They are downstream from the site.

Mr. Vadnais asked if the Conservation Commission had anything else that needed to be discussed?  
Mr. Materne stated we do not.  
Mr. Habershaw made a motion to adjourn.  
Mr. Choquette seconded the motion. Motion passes.  
Mr. Deignan made a motion to adjourn for the Board of Selectmen.  
Mr. Mills seconded the motion. Motion passes.

**ADJOURNMENT**

Meeting adjourned at 8:45 pm.

For the Conservation Commission

  
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Robert Materne, Chairman

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David Evans, Vice-Chairman